

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD MASSIE,

Plaintiff,

-v-

METROPOLITAN MUSEUM OF ART,

Defendant.
-----X

06 Civ. 12905 (JSR)

ORDER

USDC SDNY
DOCUMENT
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DATE FILED: 9-3-08

JED S. RAKOFF, U.S.D.J.

On August 12, 2008, the Honorable Michael H. Dolinger, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the pro se plaintiff's motion for reconsideration dated August 1, 2008, which will now be docketed, be denied.

Plaintiff has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, denies plaintiff's motion for reconsideration. In addition, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005).

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 28, 2008